

**UNITED STATES DISTRICT COURT**  
**SOUTHERN DISTRICT OF GEORGIA**  
**SAVANNAH DIVISION**

CHARLES DIXON,	)	
	)	
Petitioner,	)	
	)	
	)	Case No. CV411-196
	)	
WARDEN ROBERT TOOLE,	)	
	)	
Respondent.	)	

**ORDER**

Charles Dixon, a state prisoner confined at the Wilcox State Prison in Abbeville, Georgia, has filed a 28 U.S.C. § 2254 petition along with a motion seeking leave to proceed *in forma pauperis* (“IFP”). (Docs. 1 & 2.) The Court mistakenly treated Dixon’s case as one brought pursuant to 42 U.S.C. § 1983, advising him that he would be forced to pay the \$350 civil filing fee in installments pursuant to 28 U.S.C. § 1915(b). (Doc. 3.) Dixon brought this to the Court’s attention in his “motion to correct proceedings.” (Doc. 6.) He correctly states that he is only required to pay a \$5 filing fee for a state habeas petition. (*Id.*); *see* 28 U.S.C. § 1914(a) (\$5 filing fee for habeas corpus). The Court **GRANTS** Dixon’s motion and hereby **VACATES** its IFP order. (Doc. 3.)

Dixon, who is not represented by counsel, endeavors to attack a life sentence entered by the Chatham County Superior Court in July 2000. (Doc. 1 at 3.) While he claims he is indigent, he had \$95 in his account at the time of filing. (Doc. 2 at 2.) His prisoner trust fund account statement shows that he has averaged \$157.17 in monthly deposits during the last six months. (Doc. 4.) The Court therefore **DENIES** Dixon's request to proceed IFP. He is **ORDERED** to pay the \$5 filing fee within 30 days or face the dismissal of this action.

**SO ORDERED** this 2nd day of September, 2011.

  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF GEORGIA